

At a term of the County Court of the State of New York held in and for the County of Erie at 25 Delaware Avenue, Buffalo, New York on the 1st day of December, 2017.

PRESENT: HONORABLE JAMES F. BARGNESI, J.C.C.
Judge Presiding

STATE OF NEW YORK : COUNTY OF ERIE
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

ORDER

v

Indictment No.
97-1542-001

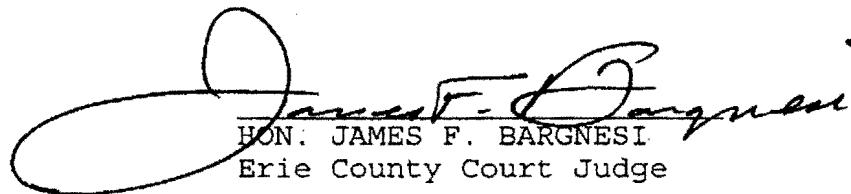
CORY EPPS,
Defendant

Defendant, Cory Epps, having moved this Court for an Order vacating the judgment of conviction and the indictment upon which it was based, pursuant to Criminal Procedure Law § 440.10(1)(g) and 440.10(1)(h); upon a Notice of Motion to Vacate the Judgment dated February 21, 2017, the supporting Affidavit of Rebecca E. Freedman, dated February 21, 2017, and the exhibits hereto having been submitted in support of the motion, and after a hearing conducted on November 30, 2017, the consent of the Erie County District Attorney, John J. Flynn to dismiss the indictment and vacate the judgment of conviction dated June 10, 1998, it is hereby

ORDERED, that pursuant to Criminal Procedure Law § 440.30 and 440.10(1)(g), the judgment of conviction is hereby vacated; and it is further

ORDERED, that the indictment is dismissed pursuant to Criminal Procedure Law § 440.10(1)(g), and in the interest of justice pursuant to Criminal Procedure Law § 210.40; and it is further

ORDERED, that the sentence imposed by said judgment is hereby set aside in its entirety.



HON. JAMES F. BARGNESI
Erie County Court Judge

GRANTED: This 14 day of December, 2017.



Madeline A. Barker
Court Clerk